

MMC  
SSSCOMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C §§ 1983Name BONE DONALD DOUGLAS

(Last)

(First)

(Initial)

Prisoner Number

P. 30877

Institutional Address

CALIFORNIA MENS COLONY WESTP.O. Box 8301, SAN LOUIS OBISPO, CA.  
93403 - 8301UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIADONALD DOUGLAS BONE

(Enter the full name of plaintiff in this action.)

DIRECTOR VS.CALIFORNIA DEPT. OF CORRECTIONS & REHABILITATIONWARDEN JOHN MARSHALCALIFORNIA MENS COLONYOFFICIALLY AND INDIVIDUALLY et al

(Enter the full name of the defendant(s) in this action))

CV 08

1156

Case No.

(To be provided by the clerk of court)

COMPLAINT UNDER THE  
CIVIL RIGHTS ACT,  
42 U.S.C §§ 1983

(PR)

*[All questions on this complaint form must be answered in order for your action to proceed.]*1. Exhaustion of Administrative Remedies**[Note:** You must exhaust your administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.]A. Place of present confinement CALIFORNIA MENS COLONY

B. Is there a grievance procedure in this institution?

YES (X) NO ( )

C. Did you present the facts in your complaint for review through the grievance procedure?

YES (X) NO ( )

D. If your answer is YES, list the appeal number and the date and result of the

CTF S 07-04021

COMPLAINT

- 1 -

004-1156MMC

FILED

FEB 27 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MMC

1 appeal at each level of review. If you did not pursue a certain level of appeal,  
2 explain why.

3 1. Informal appeal By PASS

4  
5 2. First  
6 formal level CTF-S 07-04021 Filed Aug 20, 2007

7 REPLY DENIED

8  
9 3. Second formal level CTF-S 07-04021 Filed OCT 10, 2007

10 INTERVIEWED BY P.G. DENNIS, APPEALS COORDINATOR OCT 20, 2007

11 DENIED ACCESS TO MY OWN ATTORNEYS DENIED A Third  
12 formal level CTF-S 07-04021 FILED Nov 13, 2007 C/O WICKERSON  
13 DEC 12, 2007 N. GRANNIS DENIED

14  
15 E. Is the last level to which you appealed the highest level of appeal available to  
16 you? SEE : DIRECTORS LEVEL APPEAL DECISION  
LOG No. CTF-S 07-04021 [EXHIBIT A]

17 YES (X) NO ( )

18 F. If you did not present your claim for review through the grievance procedure,  
19 explain why.

20 N/A

21  
22 II. Parties

23 A. Write your name and your present address. Do the same for additional plaintiffs,  
24 if any.

25 DONALD D BONE P. 30877

26 C.M.C. WEST 4-24-34

27 P.O. Box 8301, SAN LOUIS OBISPO, CA. 93403-8301

28 B. Write the full name of each defendant, his or her official position, and his or her

place of employment. DIRECTOR \_\_\_\_\_

CALIFORNIA DEPARTMENT OF CORRECTIONS & REHABILITATION

1515 "K" STREET, SACRAMENTO, CA. 95814

WARDEN JOHN MARSHAL CALIFORNIA MENS COLONY

P.O. Box 8301 SAN LOUIS OBISPO, CA. 93403-8301

et al

III.

#### Statement of Claim

State here as briefly as possible the facts of your case. Be sure to describe how each defendant is involved and to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If you have more than one claim, each claim should be set forth in a separate numbered paragraph.

#### I COMPLAINT

THE CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
IS ATTEMPTING TO TRANSFER PLAINTIFF TO AN  
OUT-OF-STATE CORRECTIONAL FACILITY IN OKLAHOMA.

THIS IS THE 2ND ATTEMPT BY DEFENDANT TO TRANSFER  
PLAINTIFF; WHEN PLAINTIFF WAS FOUND "MEDICALLY INELIGIBLE"  
AND SENT TO CALIFORNIA MENS COLONY FOR MEDICAL TREATMENT  
WHICH DEFENDANT CONTINUES TO REFUSE TO PROVIDE.

SEE : ATTACHED

MEMORANDUM OF POINTS AND AUTHORITIES

#### IV. Relief

Your complaint cannot go forward unless you request specific relief. State briefly exactly what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

1 ISSUE ORDER TO SHOW CAUSE OR EVIDENTIARY HEARING

2 ISSUE INJUNCTIVE ORDER / TEMPORARY RESTRAINING ORDER

3 AGAINST DEFENDANT UNTIL SUCH TIME AS ALL CONSENT AND

4 LEGAL CONSULTATION IS AFFORDED TO PLAINTIFF IN ACCORDANCE

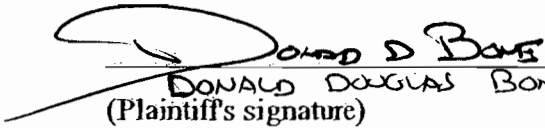
5 WITH STATE AND FEDERAL LAWS.

6 APPOINT COUNSEL OR AWARD ATTORNEYS FEES

7 GRANT ANY AND ALL OTHER RELIEF DEEMED NECESSARY OR APPROPRIATE

8 I declare under penalty of perjury that the foregoing is true and correct.

9 Signed this 21st day of February, 2008

10  
11   
12 DONALD DOUGLAS BONE  
13 (Plaintiff's signature)  
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PREPARED BY: ZENAS

COMPLAINT

URGENT APPEAL, PLAINTIFFS WELFARE  
IN JEOPARDY

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

INSTRUCTIONS FOR FILING A COMPLAINT BY A PRISONER  
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §§ 1983

I. 42 U.S.C. §§ 1983

You may file an action under 42 U.S.C. §§ 1983 to challenge federal constitutional or statutory violations by state actors which affect the conditions of your confinement.

A §§ 1983 action may not be used to challenge the length of your sentence or the validity of your conviction. Such claims must be addressed in a petition for a writ of habeas corpus, on the correct forms provided by the clerk of the court.

II. Filing a §§ 1983 Action

To file a §§ 1983 action, you must submit: (1) an original complaint and (2) a check or money order for \$250.00 or an original Prisoner's In Forma Pauperis Application.

This packet includes a complaint form and a Prisoner's In Forma Pauperis Application. When these forms are fully completed, mail the originals to: Clerk of the United States District Court for the Northern District of California, 450 Golden Gate Avenue, Box 36060, San Francisco, CA 94102.

III. Filing Fees

Under the Consolidated Appropriations Act of 2005, the filing fee for a § 1983 action filed on or after February 7, 2005 has been increased to \$250.00 from \$150.00, to be paid at the time of filing. If you are unable to pay the full filing fee at this time, you may petition the court to proceed in forma pauperis, using the Prisoner's In Forma Pauperis Application in this packet. You must fully complete the application and sign and declare under penalty of perjury that the facts stated therein are true and correct.

Each plaintiff must submit his or her own Prisoner's In Forma Pauperis Application. You must use the Prisoner's In Forma Pauperis Application provided with this packet and not any other version.

IV. Complaint Form

You must complete the entire complaint form. Your responses must be typewritten or legibly handwritten and you must sign and declare under penalty of perjury that the facts stated in the complaint are true and correct. Each plaintiff must sign the complaint.

Under 42 U.S.C. §§ 1997e, you are required to exhaust your administrative remedies before filing a §§ 1983 action; you must indicate clearly on the complaint form whether you have done so.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CASE NO. \_\_\_\_\_

DONALD D BONE  
Plaintiff

v.

DIRECTOR  
CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND REHAB  
AND

WARDEN  
CALIFORNIA MEN'S COLONY  
OFFICIALLY AND INDIVIDUALLY  
Defendants et al

COMPLAINT UNDER THE  
CIVIL RIGHTS ACT  
TITLE 42 USC § 1983

C. O. C. F.

CALIFORNIA OUT-OF-STATE CORRECTIONAL FACILITY  
TRANSFERS

MEMORANDUM OF POINTS AND  
AUTHORITIES

IN NOMINI DOMINI NOSTRA JESUS CHRISTI



MEMORANDUM OF POINTS AND AUTHORITIESI JURISDICTION

THIS ACTION ARISES OUT OF AN ACT BY DEFENDANT TO FORCE PLAINTIFF INTO AN ILLEGAL ACT OF COMPULSATORY TRANSFER WITHOUT PROVIDING MANDATORY CONSENT AND PROHIBITING HIM ACCESS TO HIS LEGAL COUNSEL, IN VIOLATION OF LOCAL, STATE, FEDERAL AND CONSTITUTIONAL LAWS.

WHEREFORE, DEFENDANT LOCATED IN SACRAMENTO, AND INITIAL ACTION COMMENCED IN NORTHERN DISTRICT; THE PROPER VENUE FOR THIS CLAIM LIES WITHIN THE CIVIL RIGHTS ACT; 42 U.S.C. § 1983 AND THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA. PLAINTIFF HAS TIMELY EXHAUSTED ALL ADMINISTRATIVE REMEDIES [EXHIBIT A]

A FEDERAL COURT MUST CONSIDER A PRELIMINARY SCREENING IN ANY CASE IN WHICH A PRISONER SEEKS REDRESS FROM A GOVERNMENT AGENCY OR OFFICER OR EMPLOYEE OF A GOVERNMENT ENTITY 28 U.S.C. § 1915 A(a)

II CHRONOLOGICAL DETAILS

SEPT 5, 2007 CHROMO - ELIGIBLE FOR TRANSFER DENTAL [EXHIBIT G]

I WAS NOT EXAMINED BY ANY DENTAL STAFF ON THE DATE IN QUESTION - NOR ANY OTHER TIME FOR THE PURPOSE OF DENTAL SCREENING.

DENTAL STAFF I.E. DR. P. BABIENCO, J. ONEIL, AND K.B. SATHER OPS WERE AWARE OF MY IMPACTED TOOTH AND HAVE REFUSED TREATMENT FOR REFERENCE SEE: CASE # C 07-3314 (PR) BEFORE US DISTRICT COURT, NORTHERN DISTRICT

OCT 4, 2007 PLAINTIFF INFORMED MR. ABE CAHMY THAT HIS LEGAL SERVICES WERE DECLINED [EXHIBIT B] AND THAT HE WOULD AVAIL HIMSELF OF HIS OWN ATTORNEYS ON RETAINER. (RUTLEDGE & BALOMIN) HE WAS DENIED ACCESS TO HIS ATTORNEYS BY CDCR.

OCT 10, 2007 PLAINTIFF APPEARED BEFORE UCC COMMITTEE WITH WARDEN BEN CURRY, ASS. WARDEN J. SOARES AND FACILITY CAPTAIN TUCKER AT SOLEDAD FACILITY AND SUBMITTED ON RECORD A WRITTEN CURRENT STATUS AS REGARDS EXCLUSION FROM C.O.C.F. FACTORS SUCH AS:

- INTERNATIONAL TRANSFER TO CORRECTIONS CANADA (IN FINAL STAGE)
- PENDING LEGAL CASES IN CALIFORNIA
  - CIVIL - SUPERIOR COURT OF CALIFORNIA CASE # 106 FL 13677
  - CIVIL - UNITED STATES DISTRICT COURT NORTHERN DISTRICT CASE # C 07-3314

CRIMINAL - UNITED STATES COURT OF APPEALS CASE # 06-16095  
FOR THE 9TH CIRCUIT

- LEGAL REPRESENTATION

[EXHIBIT C]

OCT 10, 2007 AT UCC COMMITTEE PLAINTIFF AGAIN STATED HIS EXPRESS  
RIGHT TO COUNSEL OF HIS CHOICE [EXHIBIT D]  
(CAL. PENAL CODES §§ 2911, 1191)

OCT 19, 2007 APPEALS COORDINATOR P.G. DENNIS REVIEWED 2ND LEVEL APPEAL  
(CDC 602) CCR TITLE 15 § 3084 & SEQ AND DENIED APPEAL;  
RETURNED TO PLAINTIFF OCT 22, 2007.

NOV 13, 2007 PLAINTIFF FILED 3RD (FORMAL) LEVEL OF APPEAL [EXHIBIT A]  
WITH CORRECTION OFFICER WILKERSUA C.T.F. R & R

NOV 13, 2007 PLAINTIFF WAS TRANSFERRED FROM C.T.F. SOLEDAD TO WASCO  
STATE PRISON RECEPTION CENTER.

NOV 20, 2007 WHILE AT WASCO STATE PRISON; PLAINTIFF WAS DIAGNOSED  
BY LOCAL M.T.A./RN (T. SMITH) AND FOUND TO BE MEDICALLY  
INELIGIBLE FOR OUT-OF-STATE TRANSFER [EXHIBIT E]

DEC 5, 2007 PLAINTIFF WAS TRANSFERRED BACK FROM WASCO TO CTF  
SOLEDAD.

DEC 27, 2007 PLAINTIFF APPEARED BEFORE UNIT IV UCC COMMITTEE FOR  
PLACEMENT BACK INTO GENERAL POPULATION OF CTF SOLEDAD

DEC 26, 2008 PLAINTIFF WAS AGAIN CALLED BEFORE UCC COMMITTEE AND PUT-UP  
FOR TRANSFER AGAIN; THIS TIME ON THE PREMISE OF AN ENEMY  
CONCERN. THAT ENEMY CONCERN WAS A BATTERY ON PLAINTIFF  
THAT OCCURRED JULY 6, 2006; PLAINTIFF DID NOT RETALIATE  
TO A SIMPLE FIST FIGHT, AND REQUESTED SARGENT THAT NIGHT THAT  
A "COMPATABILITY CHRONO" BE AGREED UPON BETWEEN INMATES.  
BUT SARGENT REFUSED. PLAINTIFF WAS MOVED FROM SOLEDAD  
NORTH TO SOLEDAD EAST DORM WHERE HE REMAINED  
WITHOUT INCIDENT UNTILL COMMITTEE DECIDED HE WAS AT  
"RISK" 1 1/2 YEARS AFTER THE INCIDENT!

JAN 15, 2008 PLAINTIFF WAS TRANSFERRED FROM C.T.F. SOLEDAD TO C.M.C. WEST  
SAN LOUIS OBISPO, CA. WITHOUT OBJECTION

FEB 13, 2008 PLAINTIFF WAS EXAMINED BY DR. MALEK FOR DENTAL PROBLEMS  
AND WAS REFUSED TREATMENT.

FEB 15, 2008 PLAINTIFF APPEARED BEFORE ICC COMMITTEE AT C.M.C. FOR  
INVOLUNTARY TRANSFER (2ND C.O.C.F. TRANSFER) TO OUT-OF-STATE  
CORRECTIONAL FACILITY IN OKLAHOMA. [EXHIBIT F]

BRITISH COMMONWEALTH OF CANADA



### III LEGAL ARGUMENT

IN STATING THIS CLAIM UNDER 42 USC § 1983 PLAINTIFF ALLEGES THAT: (1) HIS CONSTITUTIONAL RIGHTS AS GUARANTEED BY THE LAWS OF THE UNITED STATES WERE VIOLATED AND THAT (2) THE DIRECTOR OF CORRECTIONS; WARDEN OF C.M.C. WEST AND HIS REPRESENTATIVES AT ICC COMMITTEE ACTING UNDER COLOR OF AUTHORITY COMMITTED OR ALLOWED THOSE VIOLATIONS TO OCCUR. WEST V. ATKINS 487 US 42, 48 (1988)

FIRST AND FOREMOST; TO SET THE RECORD STRAIGHT - PLAINTIFF IS NOT ATTACKING THE STATES RIGHT TO TRANSFER INMATES FROM ONE INSTITUTION TO ANOTHER; AND IN FACT COMPLAINED WITHOUT OBJECTION TO HIS TRANSFER FROM C.T.F. SOLEDAD TO CMC WEST.

#### HOWEVER;

WHAT THIS WRIT IS ATTACKING IS THE FACT THAT A FORCED OUT-OF-STATE TRANSFER - THAT IS NOT IN COMPLIANCE WITH STATE AND FEDERAL CONSTITUTIONAL PROTECTIONS, AND THAT PLAINTIFF HAS BEEN FOUND PREVIOUSLY INELVIGIBLE FOR TRANSFER AND NOW DEFENDANTS ARE PERSECUTING HIM AS A METHOD OF PUNISHMENT AND IGNORING HIS MEDICAL AND DENTAL CONDITIONS CONSTITUTES CRUEL AND UNUSUAL PUNISHMENT IN VIOLATION OF VIII AMENDMENT CONSTITUTIONAL RIGHTS

### IV CASE LAW

DEFENDANTS WILL NO DOUBT CITE OLIM V. WAKINAKONA 461 US 238, 248 (1983) AS A CONTROLLING CASE WITH REGARD TO LONG DISTANCE INTER-STATE TRANSFERS, STATING THAT PRISONERS HAVE NO CONSTITUTIONAL RIGHT TO INCARCERATION IN A PARTICULAR INSTITUTION. IN THE CASE OF WAKINAKONA SUPRA LET US SET THE RECORD STRAIGHT JUST WHY WAKINAKONA (A.K.A. "PINEAPPLE") WAS TRANSFERRED FROM OHIO STATE PRISON HAWAII TO OLD FOLSOM - REPRESSA CA. WAKINAKONA WAS AN EXTREMELY VIOLENT CRIMINAL; AND HAD SERIOUSLY INJURED MANY (UP TO 6) INMATES

BRITISH COMMONWEALTH OF CANADA

1 WHILE AT OHAIU PRISON. MANY OTHER INMATES WERE 'OUT-TO-GET-HIM'  
 2 IE. A PLANNED KILLING OF WAKINAKONA. THE WARDEN, OLIM HAD  
 3 NO CHOICE BUT TO "GET RID OF" WAKINAKONA, OR FACE GREAT VIOLENCE  
 4 WITHIN THE PRISON. THIS GAVE HIM ENOUGH AUTHORITY TO FORCE THE  
 5 LONG-DISTANCE TRANSFER TO MAINLAND CALIFORNIA - AWAY FROM ALL  
 6 HIS NATIVE HAWAIIAN FAMILY. HENCE IT BECOMES A CONTROLLING CASE  
 7 FOR TRANSFER OBJECTIONS.

8 OUR CASE DOES NOT FALL UNDER WAKINAKONA; AS IT IS NOT THE  
 9 DISTANCE THAT WE ARE OBJECTING TO; BUT THE DUE PROCESS OF  
 10 OUT-OF-STATE TRANSFER.

11  
 12 NEXT LET US DEAL WITH MEACHUM V. FANO 427 US 215; 40 L.ED.2D  
 13 451 (1976) THE BACKGROUND PRECEEDING LARRY MEACHUM'S INVOLUNTARY TRANSFER  
 14 FROM THE MASSACHUSETTS CORRECTIONAL INSTITUTION AT NORFOLK WAS THAT  
 15 DURING A 2 1/2 MONTH PERIOD IN 1974 THERE WERE NINE SERIOUS FIRES SET  
 16 AS INFORMANTS TESTIMONIES POINTED TO MEACHUM AND 5 OTHER RESPONDENTS  
 17 WHO WERE RESPONSIBLE FOR THE FIRES. AGAIN, JUST CAUSE TO WARRENT  
 18 ADVERSE TRANSFER. "ENGAGED IN CRIMINAL CONDUCT" Id AT P. 2535  
 19 MEACHUM HOWEVER RAISED THE QUESTION OF DUE PROCESS CLAUSE  
 20 CONTAINED IN THE FOURTEENTH AMENDMENT, WHICH ENTITLES STATE PRISONER  
 21 TO A (FULL AND FAIR) HEARING WHEN HE IS TRANSFERRED. "ABSENT A  
 22 STATE LAW" OR PRACTICE CONDITIONING SUCH TRANSFERS" Id AT 2534  
 23 THE MEACHUM COURT CONCLUDED THAT: "THE COURT INDICATES THAT A  
 24 "LIBERTY INTEREST" MAY HAVE EITHER OF TWO SOURCES ACCORDING TO THE  
 25 COURT, A LIBERTY INTEREST MAY ORIGINATE IN THE CONSTITUTION, SUPRA  
 26 AT 2539 OR IT MAY HAVE "ITS ROOTS IN STATE LAW" Id AT 2541  
 27 WITH RESPECT TO PLAINTIFF; IN VIEW OF THE MEACHUM CASE;  
 28 1ST PLAINTIFF HAS NOT ENGAGED IN ANY SERIOUS CRIMINAL ACTS

1 IN 9 YEARS AND 11 MONTHS OF CONFINEMENT THAT WOULD WARRENT TRANSFER  
2 OUT-OF-STATE. CONVERSELY PLAINTIFF HAS TAKEN GREAT CARE TO "PROGRAM"  
3 OBEEDIENCY, HOLDING A 1A STATUS SINCE 1999 AND EMPLOYED AT  
4 WHATEVER JOB PRISON OFFICIALS GAVE TO HIM; INCLUDING PRISON  
5 INDUSTRY AUTHORITY TEXTILES AND WOOD PRODUCTS DIVISIONS.

6 PLAINTIFF CLAIMS DUE PROCESS VIOLATIONS OF THE XIV AMENDMENTS  
7 RIGHT TO DUE PROCESS OF LAW, OR TO DENY PERSONS WITHIN ITS JURISDICTION  
8 EQUAL PROTECTION OF THE LAW. US CONSTITUTIONAL AMENDMENT XIV

9 PLAINTIFF WAS DENIED DUE PROCESS IN SEVERAL WAYS:

10 a) PLAINTIFF WAS DENIED THE "RIGHT TO A PRIVATE CONSULTATION  
11 WITH AN ATTORNEY OF HIS CHOICE" CAL. PENAL CODE § 11191 (2007)

12 b) PLAINTIFF WAS PROHIBITED FROM BEING INFORMED OF THOSE RIGHTS  
13 "PRIOR TO EXECUTING THE WRITTEN CONSENT" CAL. PENAL CODE § 11191 (2007)  
14 AND AT NO TIME WAS OFFERED OPPORTUNITY OR GAVE WRITTEN  
15 CONSENT AS REQUIRED BY STATE LAW JOHNSON V. MOORE 948 F.2d 517, 519  
(9TH CIR 1991)

16 c) PLAINTIFF HAS BEEN DENIED DUE PROCESS RIGHTS IN THAT HE HAS  
17 BEEN FOUND MEDICALLY INELIGIBLE [EXHIBIT E] BY COC STAFF  
18 AND IN ACCORDANCE WITH CAL. PENAL CODE § 11191 (b) "NOTWITHSTANDING  
19 SUBDIVISION (a) NO INMATE WITH SERIOUS MEDICAL OR MENTAL HEALTH  
20 CONDITIONS, AS DETERMINED BY THE PLATA RECEIVER OR AN INMATE  
21 IN THE MENTAL HEALTH DELIVERY SYSTEM AT THE ENHANCED  
22 OUTPATIENT PROGRAM LEVEL OF CARE OR HIGHER MAY BE COMMITTED  
23 OR TRANSFERRED TO AN INSTITUTION OUTSIDE OF THIS STATE UNLESS HE  
24 HAS EXECUTED A WRITTEN CONSENT TO THE TRANSFER" CAL. PENAL CODE § 11191 (b)

25 d) PLAINTIFF IS BEING FORCED TO TRANSFER WITHOUT GIVING WRITTEN  
26 CONSENT AS CONTAINED IN STATE LAW: CALIFORNIA PENAL CODE,  
27 CHAPTER 7 ARTICLE 1.5 TRANSFER OF PRISONERS § 2911 CONSENT TO TRANSFER  
28 SUBSECTION (c) "NO INMATE MAY BE TRANSFERRED FROM AN INSTITUTION  
WITHIN THIS STATE TO A FEDERAL FACILITY PURSUANT TO A CONTRACT ENTERED  
INTO PURSUANT TO SUBDIVISION (a) UNLESS HE OR SHE HAS EXECUTED, IN THE  
PRESENCE OF THE WARDEN OR OTHER HEAD OF THE INSTITUTION IN THIS STATE  
IN WHICH HE OR SHE IS CONFINED, A WRITTEN CONSENT TO TRANSFER  
THE INMATE SHALL HAVE THE RIGHT TO A PRIVATE CONSULTATION WITH  
AN ATTORNEY OF HIS CHOICE, CONCERNING HIS OR HER RIGHTS AND  
OBLIGATIONS UNDER THIS SECTION PRIOR TO HIS OR HER APPEARANCE  
BEFORE THE WARDEN OR OTHER HEAD OF THE INSTITUTION FOR THE  
PURPOSE OF EXECUTING THE WRITTEN CONSENT. CAL. PENAL CODE § 2911

e) PLAINTIFF WAS DENIED DUE PROCESS IN THAT ACCORDING TO



CALIFORNIA CODE OF REGULATION TITLE 15 § 3379 INMATE TRANSFERS  
TRANSFER SHALL NOT OCCUR PRIOR TO INMATE SIGNING A CDC FORM  
294 INTERSTATE COMPACT PLACEMENT AGREEMENT WITNESSED BY  
THE INSTITUTION HEAD OR DELEGATE. CCR TITLE 15 § 3379(a)(6)  
MONTANYE V. HAYMES 427 US 236, 242 (1976)

P) PLAINTIFF WAS DENIED DUE PROCESS BY FAILURE TO FOLLOW DEPARTMENT  
GUIDELINES CONTAINED IN D.O.M. § 62040.16 CONSENT  
"NO INMATE SHALL BE TRANSFERRED TO A FEDERAL FACILITY UNLESS THEY  
HAVE EXECUTED IN THE PRESENCE OF THE WARDEN OR DESIGNEE A  
WRITTEN CONSENT TO TRANSFER CDC FORM 802 FEDERAL PRISON SYSTEM  
PLACEMENT AGREEMENT. INMATES SHALL BE INFORMED OF  
THEIR RIGHT TO PRIVATE CONSULTATION WITH AN ATTORNEY OF THEIR  
CHOICE CONCERNING ONE'S RIGHTS AND OBLIGATIONS UNDER  
PC 2911." D.O.M. § 62040.16 CONSENT

ADDITIONALLY; IN MEMORANDUM THE SYLLABUS STATES:

a) GIVEN A VALID CONVICTION THE CRIMINAL DEFENDANT HAS BEEN  
CONSTITUTIONALLY DEPRIVED OF HIS LIBERTY TO THE EXTENT THAT  
THE STATE MAY CONFINE HIM AND SUBJECT HIM TO THE RULES  
OF ITS PRISON SYSTEM SO LONG AS THE CONDITIONS OF CONFINEMENT  
DO NOT OTHERWISE VIOLATE THE CONSTITUTION. Id at 2534

PLAINTIFF WOULD BE CONSTITUTIONALLY DEPRIVED OF THESE RIGHTS IN AN  
INVOLUNTARY TRANSFER OUT-OF-STATE IN THAT HE CONTENTS THAT:

a) HIS CRIMINAL CONVICTION IS INVALID AND IS CURRENTLY ON APPEAL  
IN THE UNITED STATES COURT OF APPEALS FOR THE 9TH CIRCUIT  
CASE NO. 06-16095. THAT COURTS RULES OF APPELLATE  
PROCEDURE F.R.A.P. RULE 23(a) SPECIFICALLY PROHIBIT TRANSFER  
OUT OF THE COURTS JURISDICTION (THIS POINT IS ON RECORD WITH  
THE 9TH CIRCUIT COURT) INTENTIONAL AND UNJUSTIFIABLE INTERFERENCE  
WITH THE RIGHT TO OBTAIN JUDICIAL REVIEW OF THE LEGALITY OF  
CONFINEMENT.

PLAINTIFF APPEARED BEFORE ICC COMMITTEE AT CMC, WEST ON  
FEB 15, 2008 [EXHIBIT F] AGAIN FOR CONSIDERATION OF OUT-OF-STATE  
TRANSFER. AT THIS MEETING PLAINTIFF WAS INFORMED OF  
COMMITTEES DECISION TO ELECT HIM FOR OUT-OF-STATE TRANSFER

1 TO OKLAHOMA. NO MEDICAL OR DENTAL SCREENING WAS DONE PRIOR  
 2 NOR WAS PLAINTIFF PERMITTED TO CONSULT WITH HIS ATTORNEY.  
 3 WHEN COMMITTEE ALLOWED PLAINTIFF TO ASK QUESTIONS AND PRESENT  
 4 EVIDENCE, HE ASKED COMMITTEE:

5 1) IF IT WAS AWARE OF VIOLATIONS OF STATE AND FEDERAL LAWS

6 2) THAT HE HAD NOT BEEN ALLOWED ATTORNEY ACCESS

7 3) THAT HE WAS MEDICALLY INELIGIBLE FOR TRANSFER

8 AND WAS ABOUT TO PRESENT EVIDENCE THAT THE LITIGATION COORDINATOR  
 9 MR. DAN PHERIGO OF C.D.C. SACRAMENTO, IN A LETTER TO KATHLEEN  
 10 BOEGERS, CLERK OF THE 9TH CIRCUIT COURT OF APPEALS FROM LINDA  
 11 M. MURPHY/ U.S. DEPUTY ATTORNEY GENERAL STATED ON RECORD  
 12 THAT: "MR. BONE WAS TRANSFERRED FROM C.T.F. SOLEDAD TO C.M.C.  
 13 SAN LOUIS OBISPO TO RECEIVE MEDICAL TREATMENT.

14 "HE IS NOT BEING TRANSFERRED OUT-OF-STATE." [EXHIBIT H]

15 BUT

16 BEFORE PLAINTIFF COULD TABLE THIS EVIDENCE HE WAS ABRUPTLY  
 17 CUT OFF BY CORRECTIONS OFFICER SANDOVAL WHO STATED: "OK BONE,  
 18 PUT THE PENCIL DOWN THIS MEETING IS OVER." PLAINTIFF INFORMED  
 19 THE COMMITTEE THAT HE WISHED TO MAKE 1 MORE POINT,  
 20 BUT THE COMMITTEE REFUSED TO HEAR ANY FURTHER.

21 THIS IS A SIMILAR SITUATION TO SHANGO V. JURICH 681 F.2d 1091  
 22 (7TH CIR 1982) QUOTING "BECAUSE SHANGO WAS TRANSFERRED WITHOUT  
 23 A HEARING, THE COURT CONCLUDED THAT HE HAD BEEN DEPRIVED  
 24 OF LIBERTY WITHOUT DUE PROCESS OF LAW."

## 25 26 V CRUEL AND UNUSUAL PUNISHMENT

27 THE U.S. CONSTITUTION AMEND VIII PROTECTS PRISONERS FROM CONDITIONS  
 28 OF CRUEL AND UNUSUAL PUNISHMENT.

1 PLANTIFF HAS BEEN SUFFERING FROM AN IMPACTED TOOTH SINCE MAY 2006  
 2 HE HAS EXHAUSTED HIS ADMINISTRATIVE REMEDIES; AND EVEN THE ATTENDING  
 3 DENTIST P. BABINCO STATED: "MR. BONE I'M JUST WAITING UNTIL THE  
 4 PAIN IS SO BAD THAT YOU BEG TO HAVE IT PULLED." GOES TO SHOW  
 5 DELIBERATE INDIFFERENCE OF C.D.C. STAFF TOWARD INMATES.

6 "TO SUSTAIN CLAIM FOR CRUEL AND UNUSUAL PUNISHMENT INMATE MUST  
 7 PROVE DENIAL OF MINIMUM CIVILIZED MEASURE OF LIFE'S NECESSITIES  
 8 OCCURRING THROUGH DELIBERATE INDIFFERENCE BY PRISON PERSONNEL OR  
 9 OFFICERS." KEENAN V. HALL 83 F.3d 1083, 1089 (9TH CIR 1996).

#### 11 VI MALICIOUS AND VINDICTIVE ACTION

12 PLANTIFF HAS PREVIOUSLY UNDERGONE THE STRESS AND DISPLACEMENT  
 13 OF FORCED OUT-OF-STATE TRANSFER TO ARIZONA; AND BEING FOUND  
 14 INELIGIBLE WAS RETURNED TO HIS SENDING INSTITUTION.

15 THE DEPT. OF CORRECTIONS WAS NOT SATISFIED TO LET THE PLANTIFF  
 16 RETURN TO HIS PREVIOUS JOB (HIS SUPERVISOR HAD HIGH REGARD AND GOOD  
 17 RELATIONSHIP WITH HIM AS AN EMPLOYEE) AND HIS EARNED DORM ASSIGNMENT  
 18 "MODEL BEHAVIOUR AND EDUCATIONAL EFFORTS" RICKERT V. STERNS 149 F.S.  
 19 452 (2001) BUT DECIDED TO "DIG UP SOMETHING" TO USE AGAINST HIM  
 20 AS PREVIOUSLY STATED THIS WAS DEEMED TO BE AN ENEMY CONCERN  
 21 THAT THE DEPT HAD NOT ACTED UPON FOR 1 1/2 YEARS, AND STEMMED  
 22 FROM A SIMPLE ALTERCATION THAT PLANTIFF RESTRAINED HIMSELF FROM  
 23 RETALIATION. IE HE DID NOT STRIKE BACK MATTHEW 5:39, LUKE 6:29  
 24 AND THIS IS HOW HE IS REWARDED. HE WAS TRANSFERRED AND OFFERED  
 25 NO OBJECTION TO C.M.C. WEST ON JANUARY 15, 2008.

26  
 27 NOW DEFENDANT AGAIN SEEKS TO PLACE THE HEALTH AND SAFETY  
 28 OF PLANTIFF IN JEOPARDY IN ATTEMPTING ANOTHER TRANSFER.



THIS AMOUNTS TO LITTLE MORE THAN "BUS THERAPY"; AN UNWRITTEN POLICY TO CONTINUALLY MOVE INMATES FROM ONE INSTITUTION TO ANOTHER, NOT ALLOWING THEM TO SETTLE IN; LONG BUS RIDES AT ALL HOURS OF NIGHT, SHACKLED LIKE SLAVES - HANDS AND ANKLES, FREEZING COLD HOLDING TANKS, STRIPPED NAKED AND SEARCHED. ARRIVE AT A NEW PLACE FIND A JOB AND PROGRAM - WITHOUT THE ADDED STRESS OF ADAPTING TO A NEW ENVIRONMENT, ESTABLISH THEMSELVES WITH FELLOW INMATES AND SURVIVE SCRUTINY OF VARIOUS "SHOT CALLERS" WITH "PAPERWORK CHECKS" (REFERING TO CONVICTION CRIMES). SUCH WAS THE CASE IN WHITE v. LAMBERT 370 F.3d 1002 (2004) WHO WAS TRANSFERRED FROM D.O.C. FACILITIES TO C.C.C.F. ON NOV 2, 1999 AND ON JUNE 6, 2000 WAS RETURNED TO D.O.C. FACILITY IN WASHINGTON STATE.

## VII INTERNATIONAL TRANSFER

PLANTIFF IS IN THE PROCESS OF AN INTERNATIONAL TRANSFER BETWEEN U.S. D.O.J. AND CORRECTIONS CANADA.

THIS IS NOW IN ITS FINAL STAGES AND WILL LIKELY PROCEED IN THE NEAR FUTURE. THESE NEGOTIATIONS HAVE BEEN ONGOING SINCE 1999 WHEN PLANTIFF FIRST APPLIED TO C.D.C. THROUGH FORM #830 APPLICATION FOR TRANSFER AND HAS BEEN REPEATEDLY ISSUED (LAST AT REQUEST OF INMATES COUNSELOR) THIS POINT WAS MADE CLEAR AT 1ST UCC MEETING OCT 10, 2007 AND SPECIFIC DETAILS; CONTACTS AND REPRESENTATIVES OF C.D.C. SACRAMENTO AND CORRECTIONS CANADA WERE LISTED [EXHIBIT C] C.D.C. SACRAMENTO IS WELL AWARE OF PLANTIFFS STATUS REGARDING HIS INTERNATIONAL TRANSFER, AND THEREFORE SHOULD REALIZE THAT AN OUT-OF-STATE TRANSFER TO ARIZONA - OKLAHOMA ETC WOULD ONLY DUPLICATE EFFORT, AND WASTE TAXPAYERS TIME, RESOURCES

1 AND MONEY IN BUS AND PLANE TRANSPORTATION COSTS.

2  
3 THESE TRANSFERS FROM STATE OF CALIFORNIA TO CANADA ARE A  
4 REGULAR AND ONGOING PROCESS; PLAINTIFFS GOOD FRIEND PAUL  
5 (CORBAN) CLARK WAS TRANSFERRED FROM C.T.F. SQUEDAD NORTH TO  
6 TORONTO CANADA IN MAY 2006.

### 7 8 VIII CONCLUSION

9 PLAINTIFF HAS ESTABLISHED THAT HIS CONSTITUTIONAL AND STATE  
10 LAW RIGHTS WERE VIOLATED, AND THAT A COMPLAINT UNDER THE  
11 CIVIL RIGHTS ACT § 1983 IS THE PROPER VENUE FOR RELIEF.

12 PLAINTIFF HAS SET OUT IN CHRONOLOGICAL ORDER IN WHICH THOSE  
13 VIOLATIONS OCCURED, WITH SUPPORTING EXHIBITS.

14 PLAINTIFF HAS STATED HIS CLAIM WITH RESPECT TO CONSTITUTIONAL, FEDERAL  
15 AND STATE LAWS THAT WERE VIOLATED, AND NOT THE OBJECT OF  
16 OUT-OF-STATE TRANSFER THAT IS ERRONOUS; BUT THE METHOD THAT  
17 DEPT. OF CORRECTIONS IS APPLYING TO ENFORCE IT.

18  
19 PLAINTIFF HAS DEMONSTRATED DEFENDANTS DELIBERATE INDIFFERENCE  
20 ON TWO (2) OCCASIONS (DENTAL - ICC MEETING) TO FOLLOW PROPERLY  
21 PRESCRIBED LAWS AND POLICIES, THAT AMOUNT TO CRUEL AND UNUSUAL  
22 PUNISHMENT AND DEFENDANTS MALICIOUS AND VENDETTIVE ACTION TOWARD PLAINTIFF.

23  
24 ACCORDINGLY; PLAINTIFF PETITIONS THIS COURT FOR THE FOLLOWING  
25 RELIEF:

IX RELIEF REQUESTED

- ISSUE ORDER TO SHOW CAUSE OR EVIDENTIARY HEARING
- ISSUE TEMPORARY INJUNCTION AGAINST DEFENDANTS TO PROHIBIT OUT-OF-STATE TRANSFER UNTIL ALL PROCEDURAL PROTECTIONS ADDRESSED.
- APPOINT COUNSEL OR AWARD ATTORNEY FEES
- ISSUE RESTRAINING ORDER AGAINST DEFENDANT TO PROHIBIT CONTINUAL HARASSMENT OR TRANSFER OF PLAINTIFF
- ORDER DEFENDANT TO PROVIDE MEDICAL AND DENTAL CARE TO PLAINTIFF
- GRANT ANY AND ALL OTHER RELIEF DEEMED NECESSARY OR APPROPRIATE.

DATED: FEB 21 2009

SIGNED: DONALD D BONE  
DONALD DOUGLAS BONE  
PLAINTIFF

PREPARED BY: ZENAS

TABLE OF AUTHORITIES

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EXHIBIT A

INMATE APPEALS BRANCH

P. O. BOX 942883

SACRAMENTO, CA 94283-0001

**DIRECTOR'S LEVEL APPEAL DECISION**

Date: DEC 12 2007

In re: Donald Bone, P30877  
Correctional Training Facility  
P.O. Box 686  
Soledad, CA 93960

IAB Case No.: 0712526

Local Log No.: CTF-07-04021

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner E. Allen, Facility Captain. All submitted documentation and supporting arguments of the parties have been considered.

**I APPELLANT'S ARGUMENT:** It is the appellant's position that the Department is violating the United States Constitution, Federal and State law by involuntary transferring inmates to out-of-state facilities. The appellant requests to have his name removed from any and all out-of-state transfer lists.

**II SECOND LEVEL'S DECISION:** The reviewer found that the appellant has failed to demonstrate why he should be excluded from out-of-state transfer. A review of the information currently available indicates that the appellant is eligible for transfer and that the transfer does not pose a threat to his safety. The policies and procedures governing the out-of-state transfer were adhered to and he was deemed eligible for transfer. The appeal was denied by the Second Level of Review (SLR).

**III DIRECTOR'S LEVEL DECISION:** Appeal is denied.

**A. FINDINGS:** The Director's Level of Review (DLR) reviewed the issues of the appellant's appeal and reaffirms the institution's examination and conclusions as addressed within the SLR. The DLR notes that on October 17, 2007, a Classification Staff Representative (CSR) endorsed the appellant for transfer to California Out-of-State Correctional Facility. The transfer approval expires on February 14, 2008, and will require return to a CSR for re-authorization. The appellant's current Earliest Possible Release Date of September 18, 2018, does not exclude him from being transferred.

The information that the appellant provided does not alter his eligibility for involuntary transfer using the criteria currently in place. Furthermore, since the transfer is involuntary, consent is not required.

Every effort has been made to reduce the impact of out-of-state transfers on the inmate population as a whole. Therefore, a process was implemented, to identify those inmates least likely to have family ties, require special services, or be involved in programs that would be affected by an out-of-state transfer. The Governor's October 4, 2006 proclamation, which declared a state of emergency in the state's prison system and ordered the CDCR to transfer inmates out-of-state to alleviate overcrowding, did not include any of the discretionary criteria. The first involuntary transfer criteria group ordered by the Governor is "Inmates who: (a) have been previously deported by the federal government and are criminal aliens subject to immediate deportation; or (b) have committed an aggravated felony as defined by federal statute and are subject to deportation." This is any inmate with an active Immigration and Customs Enforcement (ICE) hold. It is noted that all inmates with an active ICE hold are currently subject to involuntary transfer regardless of race. This criteria group has no condition that only inmates without family ties were to be involuntarily transferred. Any inmate in the group is subject to involuntary transfer, regardless of family ties. The CDCR may have exercised its discretion by starting involuntary transfers with those inmates in the group with few family ties in California, but that exercise of discretion does not create a right for any inmate in the criteria group to be excluded from an involuntary transfer.

As to any right to consent to an out-of-state transfer, the California Penal Code Section 11191 was amended in May 2007, to delete the portion that required consent for transfers to out-of-state institutions. Any references to consent in the current Section 11191 apply only to inmates who have serious medical or mental health conditions. Any inmate without a serious medical or mental health condition has no



right to consent and therefore is subject to being involuntarily transferred to an out-of-state correctional facility. The section currently states: "(a) Any court or other agency or officer of this state having power to commit or transfer an inmate (as defined in Article II (d) of the Interstate Corrections Compact or of the Western Interstate Corrections Compact) to any institution for confinement may commit or transfer that inmate to any institution within or without this state if this state has entered into a contract or contracts for the confinement of inmates in that institution pursuant to Article III of the Interstate Corrections Compact or of the Western Interstate Corrections Compact. The inmate shall have the right to a private consultation with an attorney of his choice, or with a public defender if the inmate cannot afford counsel, concerning his rights and obligations under this section, and shall be informed of those rights prior to executing the written consent...(b) Notwithstanding subdivision (a), no inmate with serious medical or mental health conditions, as determined by the Plata Receiver, or an inmate in the mental health delivery system at the Enhanced Outpatient Program level of care or higher may be committed or transferred to an institution outside of this state unless he has executed a written consent to the transfer."

**B. BASIS FOR THE DECISION:**

California Penal Code Section: 2911, 5058, 11191

California Code of Regulations, Title 15, Section: 3004

California Emergency Services Act set forth at Title 2, Division 1, Chapter 7 of the California Government Code, commencing with Section 8550

**C. ORDER:** No changes or modifications are required by the Institution.

This decision exhausts the administrative remedy available to the appellant within CDCR.



N. GRANNIS, Chief  
Inmate Appeals Branch

cc: Warden, CTF  
Appeals Coordinator, CTF  
COCF

EXHIBIT B

Mr. Abe Canhy  
Attorney on Retainer to: C.D.C. &  
Institute of Administrative Justice  
231 Market Place #230  
San Ramon, CA.  
94583

Subject: PRISON TRANSFER PROGRAM (COCF)

Dear Sir: Pursuant to our conversation on Oct. 4, 2007; 09:00Hrs  
C.T.F. Soledad "Y" Winq, and as I informed you personally, and those  
Officers of the Institution present at this meeting:

I respectfully decline your Legal Advice Services as prescribed  
by California Penal Code § 11191.

In accordance with this Law, and I quote: "The Inmate shall have the  
right to a Private Consultation with an Attorney of his choice....  
(Bold and underlining added)

My choice is to avail myself of my own private attorneys who will  
be in contact with you at the above address.

This same Right to Counsel of choice is echoed in: The Vienna  
Convention 21 U.S.T. 77 T.I.A.S. #6820; CCR Title 15 § 3379 Inmate  
Transfers; and D.O.M. § 62040.16 Consent.

Be advised that my Counsel is well versed in these matters and  
highly concerned that Due Process of Law be followed to the letter.

Copies of this Notice will be forwarded to the California Parole  
Advisory Board, C.D.C. Sacramento, and my attorneys.

Dated: Oct 4 2007

Signed: Donald D Bone  
Donald D Bone

Donald D Bone P.30877  
C.T.F. Soledad, East Dorn  
P.O. Box 689  
Soledad, CA. 93960-0689

cc: Canadian Consulate General  
California Parole Advisory Board  
C.D.C. Sacramento  
M.F. Baldwin, Attorney at Law  
Inmate Central File

IN NOMINI DOMINI NOSTRI JESUS CHRISTI

EXHIBIT C

NAME	C.D.C.#	HOUSING UNIT
BONE, Donald D	P.30877	East Dorn ED-106u
<p>(1) (Final Stage) <b>INTERNATIONAL TRANSFER to:</b></p> <p>Contact Corrections Canada C.D.C. Ron Franz/Tim Baker C.D.C. Sacramento, 1515 "K" Street (916) 445-4072</p> <p>-----</p> <p>Contact Corrections Canada Hanza Al-Baghdadi/Brian Bencze 340 Laurier Ave. West Ottawa, Ontario. CAN K1A 0P9 (613) 947-9708 Tel (613) 952-7676 Fax</p>		
(2)	<b>PENDING LEGAL CASES</b>	Case #
Civil (a)	Superior Court of California Family Law Division 170 Park Center Plaza San Jose, CA. 95113 (408) 534-5711 (Clerks Office) (408) 534-5600 (Main Number) Requires Personal Court Appearance by Law	106FL 136777
Criminal (b)	Ninth Circuit Court of Appeals 95 Seventh Street San Francisco, CA. 94119-3939 (Court reply due: Sept. 10, 2007)	
<b>MEDICAL/DENTAL</b>		
Civil (c)	United States District Court 450 Golden Gate Ave. San Francisco, CA.	Case # C-07-3314 (PR)
Inmate Appeal #602 Log No. CTF-S-07-02116 Pending 3rd Level Appeal		
<b>LEGAL REPRESENTATION</b>		
Canadian Consulate General 550 S. Hope St. 9th Floor Los Angeles, CA. Myra Pastyr Lupal (Diplomatic Counselor) (213) 346-2721 Tel (213) 620-8827 Fax		
Maureen Furlong Baldwin Attorney at Law 586 N 1st Street Suite #221 San Jose, CA. 95112		
I acknowledge receipt of this document, acting under color of authority.		
Signed: _____		
Title: _____		

EXHIBIT D



M E M O R A N D U M

To: UCC Committee Oct 10, 2007 (COCF)

From: Donald D Bone P.30877  
C.T.F. Soledad, ED-106u

Subject: RIGHT TO COUNSEL

It is my express wish that this Committee respect my Rights to consult with an Attorney of MY choice. This Right is guaranteed by California Penal Code § 2911 and Penal Code § 11191.

The Department attempted to provide a State appointed Lawyer on Oct 4, 2007 at 09:40Hrs, a Mr. 'Abe Cahny.

As I explained to Mr. Cahny in person and in writing, notifying all applicable Authorities:

I decline the Legal Advice Service of the Representatives of the Department of Corrections (Defendants) and choose by Law; the appointment of counsel of my choice.

Until such time as I have been given access to my Legal Counsel, I respectfully request this meeting be postponed, in the interests of Due Process of Law, guaranteed by the Constitution of the United States.

Dated: Oct 10, 2007

Signed: Donald D Bone  
Donald D Bone

EXHIBIT E

NUMBER: P30877 NAME: Bone, Donald HOUSING: COCF  
A4 105U

ELIGIBILITY STATEMENT FOR OUT - OF - STATE TRANSFERS

This Inmate is: ☒ Ineligible ☐ Eligible

Reason: ☒ Medical Condition  
☐ Mental Health  
☐ Dental  
☐ Pending Consultation  
☐ Other \_\_\_\_\_

HOLD ☐ TEMPORARY  
☐ PERMANENT

If HELD state the reason (i.e. Dental Code 1 etc.) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

T. Smith, RN  
Wasco State Prison - RC

Name/Title  
(Print)

Terry J. Smith  
Signature

C-FILE

UHR

INMATE

DATE: 11-20-07

INFORMATIONAL CHRONO

INST: WSP-RC

128-C

Exhibit F

EXHIBIT G

ELIGIBILITY STATEMENT FOR OUT-OF-STATE TRANSFERS

Per the UHR Review, this inmate is: ☒ Eligible ☐ Ineligible

Reason: ☐ Medical Condition ☐ Mental Health ☐ Dental ☐ Pending Consultation ☐ TEMPORARY  
If Temporary, state reason (i.e. Dental Code 1, etc.) *Refused dental rx - eligible to transfer as class 3*

M. Maday  
Clinician Name/Title  
(Print)

M. Maday  
Signature

-File  
led File  
mate

ATE: *9/5/17*

MEDICAL-DENTAL-  
PSYCHIATRIC CHRONO

INST: CTF



Exhibit H



**COPY**

455 GOLDEN GATE AVENUE, SUITE 11000  
SAN FRANCISCO, CA 94102-7004

Public: (415) 703-5500  
Telephone: (415) 703-1334  
Facsimile: (415) 703-1234  
E-Mail: Linda.Murphy@doj.ca.gov

January 14, 2008

Ms. Kathleen Boegers  
United States Court of Appeals  
Ninth Circuit  
95 Seventh Street  
San Francisco, CA 94102

RE: *Donald Bone v. Gail Lewis*  
United States Court of Appeals, Ninth Circuit, Case No. 06-16095

Dear Ms. Boegers:

As we discussed yesterday, I spoke with Dan Pherigo in the Litigation Coordinator's office at California Department of Corrections and Rehabilitation about the status of inmate Donald Bone. According to Mr. Pherigo, Mr. Bone was recently transferred back from Arizona for medical reasons. He is being transferred from the Soledad Facility (Correctional Training Facility) to the San Luis Obispo Facility (California Men's Colony), which is about 100 miles from Soledad, so he can receive medical treatment. He is not being transferred out of state. His medical transfer within the institution does not violate F.R.A.P. 23(a). I have no objection to any extension of time Mr. Bone may need in order to file his reply brief (and serve a copy on our office) in light of his transfer to CMC. I will be filing the appellee's brief by January 25, 2008.

Please call me if you have any further questions. Thank you.

Sincerely,

LINDA M. MURPHY  
Deputy Attorney General

For EDMUND G. BROWN JR.  
Attorney General

LMM:sc

bone ninth cir letter re transfer jan 2008.wpd

DECLARATION AND PROOF OF SERVICE BY MAIL

DONALD D BONE  
Plaintiff

CASE No. \_\_\_\_\_

DIRECTOR JAMES E TILTON  
CALIFORNIA DEPARTMENT OF  
CORRECTIONS & REHABILITATION

C.O.C.F.

AND  
WARDEN JOHN MARSHAL  
CALIFORNIA MEN'S COLONY  
OFFICIAL & INDIVIDUAL  
DEFENDANTS ET AL

CALIFORNIA OUT-OF-STATE  
CORRECTIONAL FACILITY  
TRANSFERS

I DONALD DOUGLAS BONE, CITIZEN OF THE BRITISH COMMONWEALTH  
OF CANADA, DECLARE:

THAT I AM OVER 18 YEARS OF AGE, AND NAMED IN THE ABOVE  
MENTIONED MOTION. MY CURRENT PLACE OF CUSTODY IS:

C.M.C. WEST P.O. Box 8301 SAN LOUIS OBISPO, CA. 93403-8301

ON FEB 21, 2008 OR THEREABOUTS I DELIVERED TO THE PRISON  
OFFICIALS VIA INSTITUTIONAL LEGAL MAIL AS PER TITLE 15

§ 3141 A COPY OF COMPLAINT UNDER CIVIL RIGHTS ACT

POSTAGE FULLY PAID AND ADDRESSED TO:

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

450 GOLDEN GATE AVE.

SAN FRANCISCO, CA. 94102

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS  
TRUE AND CORRECT (AS PER TITLE 28 USC § 1746)

EXECUTED THIS 21ST DAY OF FEBRUARY, 2008 AT SAN LOUIS OBISPO, CA.

ZENAS.

DONALD D BONE  
DONALD DOUGLAS BONE  
PLAINTIFF

PROOF OF SERVICE



LEGAL MAIL:  
CONFIDENTIAL

RECEIVED

FEB 25 2008

RICHARD B. WICKING  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

150 GOLDER GATE AVE.  
SAN FRANCISCO, CA  
94102

CALIFORNIA MEN'S COLONY  
STATE PRISON  
SAN LUIS OBISPO CA 93408



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